

**FITAPELLI & SCHAFFER, LLP**  
475 Park Avenue South, 12<sup>th</sup> Floor  
New York, New York 10016  
Telephone: (212) 300-0375

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**ANNETTE POLLOCK, VICTOR VIERA, JR., and  
MISAEEL FERNANDEZ, on behalf of themselves and  
all others similarly situated,**

**Plaintiffs,**

**-against-**

**LEGENDS HOSPITALITY, LLC and NEW YORK  
YANKEES PARTNERSHIP,**

**Defendants.**

**12 Civ. 8334 (TPG)**

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that Plaintiffs Annette Pollock, Victor Viera, Jr., and Misael Fernandez (collectively “Plaintiffs”) will move this Court, before the Honorable Thomas P. Griesa, United States District Judge at the United States Courthouse, 500 Pearl Street, New York, New York 10007, at a time and date to be determined by the Court, for an Order granting conditional class certification, court-authorized notice, and expedited discovery, pursuant to the Fair Labor Standards Act, 29 U.S.C. § 216(b), as well as such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that in support of this motion, Plaintiffs shall rely upon their Notice of Motion, Memorandum of Law in Support, and the Declaration of Brian S. Schaffer in Support, together with the exhibits attached thereto.

Dated: New York, New York  
January 31, 2013

Respectfully submitted,

**FITAPELLI & SCHAFFER, LLP**

By:

/s/ Brian S. Schaffer

Brian S. Schaffer

**FITAPELLI & SCHAFFER, LLP**

Joseph A. Fitapelli

Brian S. Schaffer

Eric J. Gitig

475 Park Avenue South, 12th Floor

New York, New York 10016

Telephone: (212) 300-0375

*Attorneys for Plaintiffs and  
the Putative Class*